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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,437	10/18/2001	Steve Brandstetter	P/94-2	6647
<p>Philip M. Weiss WEISS & WEISS 300 OLD COUNTRY ROAD SUITE 251 MINEOLA, NY 11501</p>				
<p>7590 08/11/2008</p>				
EXAMINER				
LEIVA, FRANK M				
ART UNIT		PAPER NUMBER		
3714				
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08/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/982,437

Applicant(s)

BRANDSTETTER ET AL.

Examiner

FRANK M. LEIVA

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 and 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgements

1. The examiner acknowledges claim 28 canceled and amended claim 26 on applicant's submission filed 25 January 2008.

Response to Arguments

2. Applicant's arguments filed 25 January 2008 have been fully considered but they are not persuasive. For the following reasons.
3. Hedrick explicitly discloses his invention linked to all the casino machines and connected to the LCD screens that serve as interactive display (two way communication), as covered in column 16 lines 16-67, talks only about two way communication with a camera at the machine for the player to communicate with attendants, players and friends and to conduct tournaments using such equipment. The term interactive is understood to be a two way communication, and thus linked.
4. All other arguments pivot on the allowance of claim 13, and thus traverse by the above reasons.
5. All rejections are deemed proper and since no new limitations have been added, the examiner reiterates that previous action for the prosecutions benefit.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 13 and 22-25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Hedrick et al. (US 6,368,216 B1) herein after Hedrick.**

8. **Regarding claim 13;** Hedrick discloses a gaming machine system comprising: at least two gaming machines linked together, said gaming machines linked to an interactive sign; said interactive sign comprising an LCD screen; said LCD screen displaying a bonusing event that players can enter in; wherein players playing said linked gaming machines who enter said bonusing event compete against each other on said interactive sign, (8:15-39), machines link together, (8:56-63), LCD screen, (16:40-44), tournaments.
9. **Regarding claim 22;** Hedrick discloses a wherein said interactive sign comprises an LCD screen where a player enters bonus play and competition is between a player playing said gaming machine and said bonusing event on said interactive sign, (16:36-44).
10. **Regarding claim 23;** Hedrick discloses a system for alerting a player when they are playing on said interactive sign, (4:6-14), casino service notification.
11. **Regarding claim 24;** Hedrick discloses a wherein a player operates said bonusing event from any of said gaming machines linked to said interactive sign, (16:40-44).
12. **Regarding claim 25;** Hedrick discloses a wherein said bonusing event comprises a wheel which has various monetary denominations, (2:29-31).
13. **Regarding claim 27;** Hedrick discloses a wherein said bonusing event comprises a Ferris wheel that unloads coins when one of said linked gaming machines triggers said bonusing event, (23:27-47), the use of wheels as bonus instruments are disclosed and variations of them are a simple design choice.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick as applied above and in view of Dote (US 5,221,083).

16. **Regarding claim 26;** Hedrick discloses all the features of claim 13 including the bonusing event played on the LCD display, but fails to mention a one on one game with a dealer. Dote discloses wherein a player plays one on one with a casino dealer on said LCD screen, (fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to create a linked blackjack tournament showing the dealer to make the game more attractive. This would give out predictable results.

17. **Examiner's Note:** Examiner has cited paragraphs and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714

FML

08/03/2008